IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21845 of 2004

Between:

K. Ajay Kumar, S/o. Bhimachar,
R/o. 7-3-102, R.S. Mada Street, Tirupathi, Chittoor District - 517 507.

..... PETITIONER

AND

1 The Government of India, Rep. by its Secretary,
Ministry of Law and Justice, Department of Legal Affairs,
NEW DELHI.
2 The Government of Andhra Pradesh, Rep. by its Secretary,
Department of Law and Justice and Legal Affairs, Secretariat,
Hyderabad-22.
3 Sri A. Keerthi Sekhar, S/o. Age Not Known,
D.NO.18-1-649, Gandhi Nagar, Tirupathi, Chittoor District - 517 501.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the Proceedings F.No. 27(11)/2004 Judl. dt. 8-10-2004 of the 1st respondent as arbitrary, illegal and contrary to the provisions of A.P. Law Officers (Appointment and Conditions of Service) Instructions,2000 apart from violative of Article 14 of the Constitution of India and quash or set-aside the appointment of 3rd respondent as Addl. Standing Counsel for Central Government vide Proceedings dt. 8-10-2004.

Counsel for the Petitioner:MR.P.VENKAT RAO

Counsel for the Respondent 1: MR.A. RAJASHEKAR REDDY (SC FOR CG)

Counsel for Respondent No.2: GP for Law & Legislative Affairs

The Court at the stage of admission made the following ORDER:

Petitioner challenges the appointment of the third respondent as Additional Standing Counsel for Central Government. The petitioner submits that he has been appointed as Additional Standing Counsel for Central Government and in his place, the third respondent is appointed now. The ground urged by the petitioner in challenging the appointment of the third respondent is that the latter was already appointed as Assistant Government Pleader, for various civil Courts at Tirupathi, and Clause 13 of the A.P. Law Officers (Appointment And Conditions of Service) Instructions, 2000 prescribes that an advocate appointed as Assistant Government Pleader or Public Prosecutor is required to relinquish the other assignments, such as, Standing counsel of any statutory Corporation, Local authority etc.

Heard learned counsel for the petitioner, learned Government Pleader for Law & Legislative Affairs and learned standing counsel for Central Government.

The defect or infraction pointed out by the learned counsel for the petitioner gets attracted whenever an advocate is appointed as a Government Pleader or Assistant Government Pleader or Public Prosecutor. The third respondent has already been appointed to that office. The question as to whether he incurs any disqualification to hold that post in view of the present appointment needs to be considered by the State Government, which appointed him as the Assistant Government Pleader. There are no Rules or provisions of law, which prohibit an advocate holding the post of Government Pleader or Public Prosecutor in a State Government, from being appointed as Additional Standing Counsel for Central Government. In that view of the matter, no exception can be taken to the order under challenge.

The writ petition is accordingly dismissed. It is, however, left open to the petitioner to make such representation, as he intends, to the second

respondent, in relation to the alleged violation of the instructions referred to above. No order as to costs.

06.12.2004

ksld

To

1 The Government of India, Rep. by its Secretary,
Ministry of Law and Justice, Department of Legal Affairs,

NEWDELHI.

2 The Government of Andhra Pradesh, Rep. by its Secretary, Department of Law and Justice and Legal Affairs, Secretariat, Hyderabad-22.

3 Two CCs. to the G.P. for Law & Legislative Affairs, High Court of A.P., Hyderabad (OUT).

4 Two CD copies.